IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Applications Nos.20 and 19 of 2010
In
Criminal Applications Nos.4092 and 4093 of 2008
In
Criminal Writ Petition No.318 of 2006 (D)
(M/s. Shakti Press Limited v. M/s. Crown Traders and others)

Office Notes, Memoranda of Coram, appearances, Court's orders or directions and Registrar's order	Court's or Judge's orders

Shri S.C. Khati, Advocate for Applicant/Petitioner.

Coram : R.M. Borde, J.
Dated : 22nd July, 2010

Criminal Applications Nos.20 and 19 of 2010
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A complaint presented by the complainant, the applicant/petitioner herein, came to be dismissed and the accused were acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act in view of the order passed on 28-4-2006. The order passed by the Trial Court was subjected to challenge in the petition presented to this Court under Article 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, being Criminal Writ Petition No.318 of 2006. The said criminal writ petition was placed for hearing. However, on account of failure of the petitioner to take steps, the petition

came to be dismissed for want of prosecution on 10-1-2007. The applicant/petitioner presented the applications for restoration of the petition as well as for condoning the delay that occurred in presenting the application for restoration. However, both the applications tendered by the applicant/petitioner came to be dismissed for want of prosecution. The applicant/petitioner again presented the instant applications seeking restoration of the applications presented earlier. All the applications are being taken up for consideration today.

For the reasons stated in the application, Criminal Applications Nos.19 and 20 of 2010 are allowed and Criminal Applications Nos.4092 and 4093 of 2008 are restored to their original numbers. The order passed by this Court earlier dismissing the applications is recalled and the delay that occurred in presenting the applications for restoration shall stand condoned.

So far as Criminal Applications No.4092 and 4093 of 2008 are concerned, those are presented seeking restoration of Criminal Writ Petition No.318 of 2006 as well as for condoning the delay that occurred in presenting the application for restoration of the said criminal writ petition. Considering the contentions raised in both the applications, the said applications deserve to be allowed and the same are accordingly allowed. The order passed in Criminal Writ Petition No.318 of 2006 dismissing the said petition for want of prosecution on 10-1-2007 is recalled and the petition is restored to its original number.

All the applications stand disposed of.

Criminal Writ Petition No.318 of 2006

The counsel appearing for the petitioner, on instructions, seeks leave to withdraw the petition with liberty to avail of the remedy provided under the Code of Criminal Procedure.

Leave is granted with liberty as prayed for.

The criminal writ petition stands rejected as withdrawn.

Judge.

pdl.